

(e) Orders of removal, suspension or prohibition from participation in the conduct of the affairs of an insured depository institution under section 8(e) of the FDI Act (12 U.S.C. 1818(e)) when the individual does not consent to the issuance of such orders;

(f) Orders of suspension or prohibition to an indicted director, officer or person participating in the conduct of the affairs of an insured depository institution and orders of removal or prohibition to a convicted director, officer or person participating in the conduct of the affairs of an insured depository institution under section 8(g) of the FDI Act (12 U.S.C. 1818(g)) when such director, officer or person does not consent to the suspension or removal;

(g) Final orders to pay civil money penalties where respondents do not consent to the assessment of civil money penalties and hearings have been held;

(h) Denials of requests for modifications or terminations of orders issued pursuant to section 8(g) of the FDI Act;

(i) Grants or denials of requests for reinstatement to office, whether or not an informal hearing has been requested, pursuant to §308.203 of this chapter; and

(j) Grants or denials of requests for waivers of liability of commonly controlled insured depository institutions as to assessments under section 5(e) of the FDI Act (12 U.S.C. 1815(e)).

PART 304—FORMS, INSTRUCTIONS AND REPORTS

Sec.

- 304.1 Purpose and scope.
- 304.2 Forms and instructions—general.
- 304.3 Certified statements.
- 304.4 Reports of condition and income.
- 304.5 Other forms.
- 304.6 [Reserved]
- 304.7 Display of control numbers.

APPENDIX A TO PART 304—LIST OF FORMS

AUTHORITY: 5 U.S.C. 552; 12 U.S.C. 1817, 1818, 1819, 1820; Public Law 102–242, 105 Stat. 2251 (12 U.S.C. 1817 note).

SOURCE: 51 FR 36684, Oct. 15, 1986, unless otherwise noted.

§304.1 Purpose and scope.

This part is issued under section 552 of title 5 of the United States Code (5

U.S.C. 552), which requires that each agency shall make available to the public information pertaining to the description of forms available or the places at which forms may be obtained, and instructions as to the scope and content of reports and other submittals. The forms mentioned in this part are limited to those which are not already mentioned elsewhere within the rules and regulations of the Federal Deposit Insurance Corporation. However, appendix A to this part lists forms required by the FDIC and identifies the sections of FDIC's regulations where the forms are referenced.

[51 FR 36684, Oct. 15, 1986, as amended at 62 FR 4896, Feb. 3, 1997]

§304.2 Forms and instructions—general.

Necessary forms with their related instructions to be used in connection with applications, reports, and other submittals can be obtained from FDIC regional offices—Division of Supervision. The FDIC regional offices are listed in the directory of the FDIC Law, Regulations and Related Acts looseleaf service, published by the FDIC. A listing of FDIC forms can also be obtained by writing to the FDIC, Division of Supervision, 550 17th Street, NW, Washington, D.C. 20429. The forms are also available in the FDIC Public Information Center at 801 17th Street, NW, Washington, D.C. 20429.

[62 FR 4896, Feb. 3, 1997]

§304.3 Certified statements.

The certified statements required to be filed by insured institutions under the provisions of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817), as amended, shall be filed in accordance with part 327 of this chapter. The applicable forms are Form 6420/07A—Form 6420/07H which show the computation of the semiannual assessment due to the Corporation from an insured depository institution. As provided for in part 327 of this chapter, the forms will be furnished to insured depository institutions by the Corporation twice each calendar year and the completed statement must be returned to the Corporation by each institution.

[62 FR 4896, Feb. 3, 1997]

§ 304.4 Reports of condition and income.

(a) *Description.* Forms FFIEC 031, 032, 033, and 034, Consolidated Reports of Condition and Income, are quarterly reports for insured state nonmember banks (except District banks) of different asset sizes or with foreign offices, as appropriate, that are required to be prepared as of the close of business on the following report dates: March 31, June 30, September 30, and December 31. These reports are also known as the "Call Report." The Call Report includes a balance sheet, an income statement, and a statement of changes in equity capital of the reporting bank. Supporting schedules request additional detail with respect to charge-offs and recoveries, income from international operations, specific asset and liability accounts, off-balance sheet items, past due and non-accrual assets, information for assessment purposes, and regulatory capital. All assets and liabilities, including contingent assets and liabilities, must be reported in, or otherwise taken into account in the preparation of, the Call Report. Reporting banks must also submit annually such information on small business and small farm lending as the FDIC may need to assess the availability of credit to these sectors of the economy. Call Reports must be prepared in accordance with the appropriate instructions contained in the Federal Financial Institutions Examination Council booklet entitled "Instructions—Consolidated Reports of Condition and Income". The report forms, the instructions for completing the reports, and the accompanying materials will be furnished to all insured state nonmember banks (except District banks) by, or may be obtained upon request from, the Call Reports Analysis Unit, Division of Supervision, FDIC, Washington, D.C. 20429.

(b) *Submission of reports.* All insured state nonmember banks (except District banks) shall file their completed reports by the method and with the appropriate collection agent for the FDIC as designated in the materials accompanying the report forms each quarter. Completed reports must be received no more than 30 calendar days after the report date, subject to the timely filing

provisions set forth in the "Instructions—Consolidated Reports of Condition and Income" and in the materials accompanying the report forms each quarter. Any bank which has or has had more than one foreign office, other than a shell branch or an International Banking Facility, may take an additional 15 calendar days to submit its Call Reports. A bank using any of these additional 15 calendar days to complete its reports is required to submit its reports electronically.

[62 FR 4896, Feb. 3, 1997]

§ 304.5 Other forms.

The forms described in this section have been prepared for the use of banks.

(a) *Form 8020/05: Summary of Deposits.* Form 8020/05 is a report on the amount of deposits for each authorized office of an insured bank with branches; unit banks do not report. Reports as of June 30 of each year must be submitted no later than the immediately succeeding July 31. The report is filed with the appropriate collection agent for the FDIC as designated in the materials accompanying the survey forms each year. The report forms and the instructions for completing the reports will be furnished to all such banks by, or may be obtained upon request from the Trust and Survey Group, Division of Supervision, FDIC, 550 17th Street, NW, Washington, D.C. 20429.

(b) *Form 6120/06: Notification of Performance of Bank Services.* Form 6120/06 may be used to satisfy the notice requirement for bank service arrangements that is contained in section 7 of the Bank Service Corporation Act (12 U.S.C. 1867), as amended. In lieu of the form, a bank may satisfy the requirement by submitting a letter stating: The name of the servicer; the address at which the service is performed; the service being performed; and the date the service commenced. Either the form or the letter containing the notice information must be submitted to the regional director—Division of Supervision of the region in which the bank's main office is located within 30 days of the making of the bank service contract or the performance of the bank service, whichever occurs first.

(c) *Form FFIEC 001: Annual Report of Trust Assets.* This report must be filed by all insured state nonmember commercial and savings banks operating trust departments or banks granted consent by the Corporation to exercise trust powers, and their trust subsidiaries. The report must be filed no later than February 15th of each year. When circumstances necessitate, additional information may be required about certain operations of the trust department. The report must be prepared and submitted in accordance with the appropriate instructions. The report is filed with the appropriate collection agent for the FDIC as designated in the report form and instructions. The report forms and instructions for completing the report will be furnished automatically to all such banks by, or may be obtained upon request from the Trust and Survey Group, Division of Supervision, FDIC, 550 17th Street, NW, Washington, D.C. 20429.

(d) *Form FFIEC 002: Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks.* Form FFIEC 002 is a report in the form of a statement of the assets and liabilities of U.S. branches and agencies of foreign banks together with supporting schedules that request additional detail with respect to selected assets and liabilities, off-balance sheet items, and, in the case of insured branches, information for assessment purposes. All assets and liabilities, including contingent assets and liabilities, must be reported in, or otherwise taken into account in the preparation of, this report. Insured branches must also submit annually such information on small business and small farm lending as the FDIC may need to assess the availability of credit to these sectors of the economy. The report must be prepared in accordance with the instructions contained in the instruction booklet for the report, copies of which are furnished to all U.S. branches and agencies of foreign banks by the Federal Reserve System. The Board of Governors of the Federal Re-

serve System collects and processes the report on behalf of FDIC-supervised branches. The report is submitted quarterly to the appropriate Federal Reserve district bank.

(e) *Form FFIEC 004: Report on Indebtedness of Executive Officers and Principal Shareholders and their Related Interests to Correspondent Banks.* Form FFIEC 004 is a recommended form that may be used by the executive officers and principal shareholders of an insured state nonmember bank to report to the board of directors of their bank on their indebtedness (and that of their related interests) to correspondent banks, as required by part 349 of this chapter. The reports or any form containing identical information must be submitted to the bank's board of directors by January 31 of each year and cover indebtedness to correspondent banks during the preceding calendar year. Form FFIEC 004 is mailed annually by the FDIC to each insured state nonmember bank.

[62 FR 4897, Feb. 3, 1997]

§ 304.6 [Reserved]

§ 304.7 Display of control numbers.

The following sections of this part of FDIC's regulations containing collection of information requirements are listed with the control numbers assigned by the Office of Management and Budget:

Section of 12 CFR Part 304	Currently Assigned OMB Control No.
304.3	3064–0057
304.4(a)	3064–0052
304.4(b)	3064–0054
304.5(a)	3064–0061
304.5(b)	3064–0029
304.5(c)	3064–0024
304.5(d)	7100–0032
304.5(e)	3064–0023

APPENDIX A TO PART 304—LIST OF FORMS

NOTE: See footnotes at end of table.

Form	Title	Section of FDICs regulations (12 CFR chapter III) where the form is referenced	OMB No.
FDIC 6112/01	Initial Statement of Beneficial Ownership of Equity Securities (Form F–7).	335.413	3064–0030

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Form	Title	Section of FDICs regulations (12 CFR chapter III) where the form is referenced	OMB No.
FDIC 6112/02	Statement of Changes in Beneficial Ownership of Equity Securities (Form F-8).	335.414	3064-0030
FDIC 6120/06	Notification of Bank Services	304.5(b)	3064-0029
FDIC 6200/05	Application for Federal Deposit Insurance (Commercial Banks).	303.1	3064-0001
FDIC 6200/06	Financial Report	(¹)	3064-0006
FDIC 6200/07	Application for Federal Deposit Insurance for Operating Noninsured Institutions.	303.1	3064-0069
FDIC 6200/09	Application for Consent to Exercise Trust Powers	(²)	3064-0025
FDIC 6220/01	Application for a Merger or Other Transaction Pursuant to Section 19(c) of the Federal Deposit Insurance Act.	303.3	3064-0016
FDIC 6220/07	Application for a Merger or Other Transaction Pursuant to Section 18(c) of the Federal Deposit Insurance Act (Phantom or Corporate Reorganization).	303.7(b)(1) and 303.3	3064-0015
FDIC 6342/12	Request for Deregistration Registered Transfer Agent.	341.5	3064-0027
FDIC 6420/07	Certified Statement	304.3(a)	3064-0057
FDIC 6440/12	Loan/Application Register	338.8(³)	7100-0247
FDIC 6710/06	Suspicious Activity Report	353.1	3064-0077
FDIC 6710/07	Application Pursuant to Section 19 of the Federal Deposit Insurance Act.	(⁴)	3064-0018
FDIC 6810/01	Notification of Addition of a Director or Employment of a Senior Executive Officer.	333.2	3064-0097
FDIC 6822/01	Notice of Acquisition of Control	303.4(b)	3064-0019
FDIC 8020/05	Summary of Deposits	304.5(a)	3064-0061
FFIEC 001	Annual Report of Trust Assets	304.5(c)	3064-0024
FFIEC 002	Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks.	304.5(d)	7100-0032
FFIEC 004	Report on Indebtedness of Executive Officers and Principal Shareholders and their Related Interests to Correspondent Banks.	304.5(e)	3064-0023
FFIEC 009	Country Exposure Report	351.3(b)	3064-0017
FFIEC 009a	Country Exposure Information Report	351.3	3064-0017
FFIEC 019	Country Exposure Report for U.S. Branches and Agencies of Foreign Banks.	(⁵)	3064-0017
FFIEC 030	Foreign Branch Report of Condition	347.6(b)	3064-0011
FFIEC 031	Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices.	304.4	3064-0052
FFIEC 032	Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only and Total Assets of \$300 Million or More.	304.4	3064-0052
FFIEC 033	Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only and Total Assets of \$100 Million or More But Less Than \$300 Million.	304.4	3064-0052
FFIEC 034	Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only and Total Assets of Less than \$100 Million.	304.4	3064-0052
FFIEC 035	Monthly Consolidated Foreign Currency Report of Banks in the United States.	(⁶)	1557-0156
GFIN	Notice of Government Securities Broker or Government Securities Dealer Activities to be Filed by a Financial Institution Under Section 15C(a)(1)(B).	(⁷)	1535-0089
GFIN-W	Notice by Financial Institutions of Termination of Activities as a Government Securities Broker or Government Securities Dealer.	(⁷)	7100-0224
GFIN-4	Disclosure Form for Person Associated With a Financial Institution Government Securities Broker or Dealer.	(⁷)	1535-0089
GFIN-5	Uniform Termination Notice for Person Associated With a Financial Institution Government Securities Broker or Dealer.	(⁷)	1535-0089
MSD 4	Uniform Application for Municipal Securities Principal or Municipal Securities Representative Associated With a Bank Municipal Securities Dealer.	343.3	3064-0022
MSD 5	Uniform Termination for Municipal Securities Principal or Municipal Securities Representative Associated With a Bank Municipal Securities Dealer.	343.3	3064-0022
TA-1	Transfer Agent Registration and Amendment Form ..	341.6	3064-0026

Notes:

¹Not referenced in 12 CFR chapter III. The report form is submitted by each individual director or officer of a proposed or operating bank applying to the FDIC for federal deposit insurance as a state nonmember bank, or by a person proposing to acquire ownership or control of an insured state nonmember bank.

²The report form can be obtained from the HMDA Assistance line by telephoning (202) 452–2016.

³Not referenced in 12 CFR chapter III. The application form is submitted by insured state nonmember banks applying for FDIC consent to exercise trust powers.

⁴Not referenced in 12 CFR chapter III. The application form is submitted by FDIC-insured banks applying for FDIC consent to employ persons who have been convicted of crimes involving dishonesty or breach of trust.

⁵Not referenced in 12 CFR chapter III. The report form is submitted by state chartered and federally-licensed branches and agencies of foreign banks in the U.S. with \$30 million or more in total direct claims on foreign residents. The Federal Reserve Board collects and processes the report on behalf of FDIC-supervised branches. The report is submitted quarterly to the appropriate Federal Reserve district bank.

⁶Not referenced in 12 CFR chapter III. The report form is submitted by banks (other than savings banks) and bank holding companies with a dollar equivalent of \$100 million or more in assets, liabilities, foreign exchange contracts bought and foreign exchange contracts sold in any six specific foreign currencies as of the end of a month. The Office of the Comptroller of the Currency collects and processes this monthly report on behalf of insured state nonmember banks.

⁷Not referenced in 12 CFR chapter III. The report form is submitted by banks or persons associated with banks required to file under section 15C of the Securities and Exchange Act of 1934.

[62 FR 4897, Feb. 3, 1997]

PARTS 305–306 [RESERVED]

PART 307—NOTIFICATION OF CHANGES OF INSURED STATUS

Sec.

307.1 Certification of assumption of deposit liabilities.

307.2 Notice to be given when deposit liabilities are not assumed.

AUTHORITY: Sec. 2, Pub. L. 797, 64 Stat. 879, 880 as amended by secs. 202, 204, Pub. L. 89–694, 80 Stat. 1046, 1054, and sec. 6(c)(14), Pub. L. 95–369, 92 Stat. 618 (12 U.S.C. 1818(a), 1818(o)); sec. 304, Pub. L. 95–630, 92 Stat. 3676 (12 U.S.C. 1818(q)); sec. 9, Pub. L. 797, 64 Stat. 881 (12 U.S.C. 1819).

§ 307.1 Certification of assumption of deposit liabilities.

Whenever the deposit liabilities of an insured bank or insured branch of a foreign bank are assumed by another insured bank (whether by merger, consolidation, or other statutory assumption, or by contract), the assuming or resulting bank shall certify to the FDIC that it has agreed to assume the deposit liabilities of the bank whose deposits were assumed. The certification shall be made within 30 days after the assumption takes effect and shall state the date the assumption took effect. This certification shall be considered satisfactory evidence of the assumption.

[48 FR 24031, May 31, 1983]

§ 307.2 Notice to be given when deposit liabilities are not assumed.

Any insured bank or insured branch of a foreign bank whose insured status is voluntarily terminated, but whose

deposit liabilities are not assumed shall give notice to each of its depositors of the date of the termination of its insured status under the Federal Deposit Insurance Act. The notice to depositors shall be given in a form, in a manner and at a time approved by the appropriate FDIC Regional Director. The FDIC may require the bank to take other steps that it considers necessary for the protection of depositors.

[48 FR 24031, May 31, 1983]

PART 308—RULES OF PRACTICE AND PROCEDURE

Subpart A—Uniform Rules of Practice and Procedure

Sec.

308.1 Scope.

308.2 Rules of construction.

308.3 Definitions.

308.4 Authority of Board of Directors.

308.5 Authority of the administrative law judge.

308.6 Appearance and practice in adjudicatory proceedings.

308.7 Good faith certification.

308.8 Conflicts of interest.

308.9 Ex parte communications.

308.10 Filing of papers.

308.11 Service of papers.

308.12 Construction of time limits.

308.13 Change of time limits.

308.14 Witness fees and expenses.

308.15 Opportunity for informal settlement.

308.16 FDIC's right to conduct examination.

308.17 Collateral attacks on adjudicatory proceeding.

308.18 Commencement of proceeding and contents of notice.

308.19 Answer.

308.20 Amended pleadings.

308.21 Failure to appear.

308.22 Consolidation and severance of actions.

308.23 Motions.